

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

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525 WEST ALLEGAN STREET
LANSING, MICHIGAN 48913

Dear Participant/Observer,

As you know, the Michigan Department of Attorney General in cooperation with the Michigan Supreme Court and the Michigan Department of Community Health, Office of Public Health Preparedness is sponsoring a four-hour exercise on February 24, 2004 to identify the legal and judicial issues implicated in a bioterrorism incident involving smallpox. To our knowledge, this is the first such exercise (i.e. focused on legal/judicial issues) attempted anywhere in the United States and we are both anxious and excited to begin. As a result of the somewhat unique nature of this exercise, however, it was decided that participants should begin the event with some general information regarding the factual scenario that will constitute the context within which we will operate.

The basic factual scenario is attached. It may well contain more "scripted" material than other exercise scenarios with which you are familiar, but that was done consciously to insure the emphasis remains on legal and/or judicial issues. You are receiving this "advance copy" because it is hoped that your pre-exercise review will inspire your thinking and lead to a more robust and useful experience for all of us. The actual exercise will involve many non-scripted "injects" which should make the experience even more challenging.

We are, of course, painfully aware that in condensing an event to a four-hour encounter, we will have to embrace many factual and medical conclusions that may not be entirely realistic. This is necessary in order to meet the time constraints imposed upon us and we apologize for those "fictions" even as we ask you to indulge them. Many other important "practical" problems that would certainly arise in the event of a real bioterrorism attack will not be addressed, because we simply don't have the time to exercise our responses to them and still be faithful to our legal/judicial focus. We trust, however, that all of our sub-groups will take note of such issues as they arise for more deliberate consideration at a later date.

In any event, we thank you, in advance, for your participation and look forward to an exciting and successful exercise.

Very truly yours,

A. Michael Leffler
Assistant in Charge
Environment, Natural Resources,
and Agriculture Division